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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,800	01/14/2004	Jose Enrique Navedo	306239	5455

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LEYDIG, VOIT & MAYER, LTD.
(SEATTLE OFFICE)
TWO PRUDENTIAL PLAZA
SUITE 4900
CHICAGO, IL 60601-6780

EXAMINER

ZEC, FILIP

ART UNIT PAPER NUMBER

3744

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,800

Applicant(s)

NAVEDO ET AL.

Examiner

Filip Zec

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 14 January 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-20 are objected to because of the following informalities: both claims 1 and 14 recite the limitation "the insulated container" in line 3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
2. Claims 4 and 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. This objection is tied to the previous objection to claims 1 and 14.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,325,137 to Elliott, in view of U.S. Patent 6,378,313 to Barrash. In FIG. 3, Elliott discloses applicant's basic inventive concept, an air conditioning system (110) comprising a container (112, 114, 116) for receiving a cold medium (104), a cooling lid (130) for fitting over an insulated container (col 3, line 50), the cooling lid comprising an enclosure (150) comprising an

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intake vent (142) and an outlet vent (182); a fan for drawing air through the enclosure (180); a heat transfer tower (172) extending between the enclosure and a cold block (102), located at a first location (lower area of 136) within the interior (136) of the container and a battery for powering said fan (col 3, lines 6-9), substantially as claimed with the exception of having said heat transfer tower to comprise a heat pipe, having a heat sink mounted in the enclosure and having said batteries mounted in the cooling lid. Barrash shows the use of a heat pipe (col 8, lines 30-40) and a heat sink (350, FIG. 16) to be old in the heat exchanger art. Finally, since Elliott already teaches the use of a battery for powering the fan motor, it would have been an obvious design choice to locate said battery next to the fan motor, in the cooling lid. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Barrash to modify the system of Elliott, by using a heat pipe/heat sink system in order to replace the heat exchanger (160) and pump (170) system of Elliot. A heat pipe is a simple device that can quickly transfer heat from one point to another without the need of energy input (Barrash, col 8, lines 30-32) and a heat sink is used, in combination with a fan, to transfer heat from the heat pipe, attached to it (Barrash, col 19, lines 22-23).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,325,137 to Elliott, in view of U.S. Patent 6,378,313 to Barrash, as applied to claim 14 above, and further in view of U.S. Patent 6,401,483 to Kopp. Elliott in view of Barrash discloses applicant's basic inventive concept, an air conditioning system using a fan, substantially as claimed with the exception of using solar power for powering said fan. Kopp shows the use of a solar powered fan (34, FIG. 2; col 2, lines 65-68 and col 3, lines 1-5) to be old in the heat exchanger art. Therefore, it would have been obvious to one having ordinary skill in the art at

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the time the invention was made from the teaching of Kopp to modify the system of Elliott in view of Barrash, by using a solar powered fan in order to provide a less-polluting and more ecofriendly cooling system.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,841,742 to Biby, Robert teaches a portable air conditioner for automotive vehicles.

U.S. Patent 6,571,568 to Link, John teaches a portable air conditioning apparatus.

U.S. Patent 5,317,883 to Newman, Arnold L. teaches an apparatus and method for quickly cooling specimens and substances within refrigeration systems.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is (571) 272-4815. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Filip Zec

Examiner

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CHERYL TYLER

SUPERVISORY PATENT EXAMINER

FZ